

REMARKS

The present application was filed on February 11, 2004 with claims 1-37. Claims 1-37 remain pending and claims 1 and 27-30 are the pending independent claims.

In the outstanding Office Action dated January 16, 2007, the Examiner rejected claims 1-37 under 35 U.S.C. §103(a) as being unpatentable over an B. Medjahed et al. article entitled, "Business-to-Business Interactions: Issues and Enabling Technologies," (hereinafter "Medjahed") in view of U.S. Patent Application Publication No. 2003/0212778 (hereinafter "Collomb").

With regard to the rejection of claims 1-37 under 35 U.S.C. §103(a) as being unpatentable over Medjahed in view of Collomb, Applicants respectfully assert that the cited combination fails to establish a prima facie case of obviousness under 35 U.S.C. §103(a), as specified in M.P.E.P. §2143.

M.P.E.P. §2143 states that three requirements must be met to establish a prima facie case of obviousness. First, there must be some suggestion or motivation to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited combination must teach or suggest all the claim limitations. While it is sufficient to show that a prima facie case of obviousness has not been established by showing that one of the requirements has not been met, Applicants respectfully believe that none of the requirements have been met.

First, Applicants assert that no motivation or suggestion exists to combine Medjahed and Collomb in a manner proposed by the Examiner, or to modify their teachings to meet the claim limitations. For at least this reason, a prima facie case of obviousness has not been established.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority." Id at 1343-1344.

In the Office Action, on page 4, paragraph 2, the Examiner provides the following statement to prove motivation to combine Medjahed and Collomb:

“It would have been obvious ... to modify the disclosure of Medjahed with Collomb for the purpose of implementing an improved method for providing a more resourceful work flow for managing relational data.”

Applicants submit that the statement above is based on the type of “subjective belief and unknown authority” that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed combination. Thus, the Examiner’s conclusory statements do not adequately address the issue of motivation to combine references.

It is well-settled law that “teachings of references can be combined *only* if there is some suggestion or incentive to do so.” *ACS Hosp. Sys. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984) (emphasis in original). Moreover, in order to avoid the improper use of a hindsight-based obviousness analysis, particular findings must be made as to why one skilled in the relevant art, having no knowledge of the claimed invention, would have selected the components disclosed by Medjahed and Collomb in the manner claimed (*See, e.g., In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)). “It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to ‘[use] that which the inventor taught against its teacher.’” *In re Sang-Su Lee*, 277 F.3d 1338, 1344 (Fed. Cir. 2002) (quoting *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983)).

Secondly, Applicants asserts that there is no reasonable expectation of success in achieving the present invention through a combination of Medjahed and Collomb. For at least this reason, a prima facie case of obviousness has not been established. Applicants do not believe that Medjahed and Collomb are combinable since it is not clear how one would combine them. No guidance was provided in the Office Action as to how the references can be combined to achieve the present invention. However, even if combined, they would not achieve the techniques of the claimed invention.

Lastly, the collective teaching of Medjahed and Collomb fails to suggest or to render obvious

at least the elements of independent claims 1 and 27-30 of the present invention. For at least this reason a prima facie case of obviousness has not been established.

Independent claims 1 and 27-30, recite techniques for managing data associated with a given domain. A specification of data attributes representing one or more types of data to be managed is maintained. A specification of algorithms representing one or more types of operations performable in accordance with the data attributes is maintained. A specification of relationships representing relationships between the data attributes and the algorithms is maintained. The data attribute specification, the algorithm specification and the relationship specification are maintained in a storage framework having multiple levels. The multiple levels are specified based on the given domain with which the data being managed is associated.

Medjahed discloses techniques, systems, products and standards for business-to-business interactions and a set of criteria for assessing the different business-to-business interaction techniques, standards and products. Collomb discloses an object-oriented modeling approach used to represent telecommunication services, parameters and calculation expressions associated with the parameters.

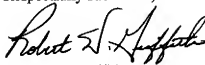
In rejecting the independent claims, the Examiner cites particular portions of Medjahed and Collomb for support for the rejection of each limitation. With regard to the limitation of "maintaining a specification of data attributes," the Examiner cites a portion of Medjahed describing trends in supporting business-to-business interactions, specifically XML-based business-to-business interaction frameworks. With regard to the limitation of "maintaining a specification of algorithms," the Examiner cites portions of Collomb that describe an expression class that defines expressions. With regard to the limitation of "maintaining a specification of relationships," the Examiner cites a portion of Collomb describing relational databases and action procedures used to compute secondary parameters and/or aggregation values. However, the combination of Medjahed and Collomb fails to disclose a specification of such action procedures in Collomb. Further, the cited combination fails to teach or suggest that the action procedures of Collomb represent relationships between data and elements in the expression class of Collomb.

Finally, with regard to the limitation of maintaining the specifications in a storage framework having multiple levels, the Examiner cites the portion of Medjahed reciting trends in supporting business-to-business interactions, specifically Electronic Business XML (ebXML). However, ebXML describes business process specifications stored in a business library, and fails to disclose the maintaining of three different types of related specifications in a storage framework having multiple levels. Further, while ebXML describes three types of storage components, it fails to disclose that storage framework levels are specified based on the domain with which data of the specifications is associated.

Dependent claims 2-26 and 31-37 are patentable by virtue of their dependency from respective independent claims 1 and 30 and also recite patentable subject matter in their own right. Accordingly, withdrawal of the rejection to claims 1-37 under 35 U.S.C. §103(a) is therefore respectfully requested.

In view of the above, Applicants believe that claims 1-37 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,



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